IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1090 of 1989

For Approval and Signature:

HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE SHARAD D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MATHURBHAI R. VASAVA

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 1090 of 1989
MR MANOJ SHRIMALI for MR GIRISH PATEL
for Petitioner No. 1-2
MR UR BHATT AGP for Respondent No. 1-4

CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE SHARAD D.DAVE

Date of decision: 08/09/2004

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE B.J.SHETHNA)

#. From the order sheet of this petition, it appears that when this petition was placed on 3.12.2001 before the Hon'ble First Court, Their Lordships passed the following order :-

"In the cognate matters like Special Civil Application No.7373 of 1996 and Special Criminal Application No.7375 of 1996 by order made on 5.5.1997, the earlier Division Bench has disposed of the petitions with direction to the petitioners to make representations individually or jointly which are to be considered by the State authorities within a stipulated period for the benefit of tribals cultivating in the forest areas. Since the counsel is not present, put up for passing similar orders on 5th of December, 2001.

Sd/-
(D.M.Dharmadhikari C.J.)

Sd/-
Dt.3/12/2001 (K.A.Puj, J.)"

However, for some or the other reasons this petition could not be disposed of on 3.12.2001 and it was simply adjourned from time to time. Today, learned counsel Mr.Manoj Shrimali for Mr.Girish Patel for the petitioner was present.

#. In view of the order dated 3.12.2001 passed by the Hon'ble First Court, we dispose of this petition with a direction to the petitioners to make proper representations individually or jointly to the concerned authorities within 3 months from today. On receiving such representation / representations the State authorities may decide the same sympathetically in accordance with law. Till they decide the representation / representations, the petitioners shall not be disturbed, if they are continued to remain in possession of the land.

#. With these observations and directions, this petition is disposed of, at this stage, with a liberty to file fresh petition in case, the representation /

representations of the petitioners are turned down by the authorities. Accordingly, rule is discharged. No order as to costs.

(B.J.Shethna, J.)

(Sharad D. Dave, J.)

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